

*ELECTRONIC FILING*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/575,589  
Inventor : Fergus Francis Murray  
I.A. Filing Date : 10/14/2004  
Title : LABORATORY APPARATUS WITH TWO CABINETS  
Art Unit : Unassigned  
Examiner : Unassigned  
  
Docket No.: : URQUH-73865  
Customer No. : 24201

DECLARATION OF SUE RATCLIFFE  
(Petition Under 37 CFR § 1.47 (b))

I, SUE RATCLIFFE, hereby declare and state as follows:

1. I am an attorney in the United Kingdom representing the Applicant, Ruskinn Technology Limited ("Ruskinn"), in the above-identified application for patent. On April 5, 2006, I contacted John K. Fitzgerald an attorney of the firm of Fulwider Patton LLP in Los Angeles, California to file a National Phase patent application.

DILIGENT EFFORT TO HAVE INVENTOR SIGN APPLICATION:

2. On 8<sup>th</sup> December, 2006, I forwarded to the inventors Messrs. Skinn and Murray (by way of what I understood to be their current employer, Ruskinn Technology Limited) the required Declaration and Power of Attorney for the subject patent application, a copy of that letter is attached as Exhibit A. At the time of making the invention, both individuals were employed by Biotrace and subsequently there has been an assignment of rights to Ruskinn Technology Limited. It was my understanding that Mr Skinn was in contact with Mr Murray at his address at 38 Lowash Avenue, Shipley, United Kingdom BD18 1JJ as he was related to Mr Murray by marriage.

4. After I had not received a response for some weeks, I contacted Samir Patel, who is my contact for Mr Skinn at Ruskinn Technology and found that that the co-inventor Fergus Francis Murray now works for a rival company. Further, Mr. Murray stated to Mr. Skinn that he refuses to sign the Declaration for the subject patent application, and that he refuses to cooperate in any way. The reason for refusal is because he now works for a rival company to Ruskinn Technology Limited and so he does not want his position to be compromised with his current employer.

6. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

URQUHART-DYKES & LORD LLP

By: \_\_\_\_\_

Sue Ratcliffe

Enclosure  
176093

"Exhibit A"

8 December 2006

Mr Samir Patel  
Ruskinn Technology Ltd/Ruskinn  
Life Sciences Ltd  
Suite 3, Technium Digital  
Sony Technology Centre  
Pencoed, Bridgend  
CF35 5HZ

Urquhart-Dykes & Lord LLP  
Three Trinity Court  
21-27 Newport Road  
Cardiff  
GB-CF24 0AA

T +44 (0)29 2048 7993  
F +44 (0)29 2048 8016  
E cardiff@udl.co.uk  
W www.udl.co.uk

Your ref:  
Our ref: SXR/P501462US

Dear Samir

Re: **US Patent Application**  
**Based on PCT/GB2004/004371**  
**Laboratory Apparatus with Two Cabinets**  
**Ruskinn Technology Limited**

I have received a request from the US Patent and Trade Mark Office to file and execute a Declaration and Power of Attorney by

**1 February 2007**

Could you please arrange for Fergus Francis Murray and Andrew Skinn to sign the Declaration where indicated, and can they both check that their addresses are correct as this is the information we have on file. I have also assumed that both are British citizens but please confirm.

I am also attaching an assignment from both inventors to Biotrace International Plc and could they arrange for this to be signed as well.

If you have any questions please do not hesitate to get in touch.

Kind regards.

Yours sincerely

**Sue Ratcliffe**  
**for Urquhart-Dykes & Lord LLP**

Enc  
/ath

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration Submitted With Initial Filing      OR      ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	URQUH-73865
First Named Inventor	Fergus Francis Murray
<i>COMPLETE IF KNOWN</i>	
Application Number	10/575,589
Filing Date	10/14/2004
Art Unit	Unassigned
Examiner Name	Unassigned

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LABORATORY APPARATUS WITH TWO CABINETS**

*(Title of the Invention)*

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 10/14/2004 as United States Application Number or PCT International

Application Number PCT/GB04/04371 and was amended on (MM/DD/YYYY)                      (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
0324110.6	GB	10/15/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:		<input checked="checked" type="checkbox"/> The address associated with Customer Number:	24201	OR	<input type="checkbox"/> Correspondence address below
Name					
Address					
City			State	ZIP	
Country	Telephone		Email		
<b>WARNING:</b>					
<p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p>					
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>					
<b>NAME OF SOLE OR FIRST INVENTOR:</b>			<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])			Family Name or Surname		
FERGUS FRANCIS			MURRAY		
Inventor's Signature				Date	
Residence: City	State	Country	Citizenship		
SHIPLEY		GREAT BRITAIN	GREAT BRITAIN		
Mailing Address					
38 LOWASH AVENUE					
City	State	Zip	Country		
SHIPLEY		BD18 1JJ	GREAT BRITAIN		
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION****ADDITIONAL INVENTOR(S)  
Supplemental Sheet**Page 3 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
ANDREW		SKINN	
Inventor's Signature		Date	
Residence: City	State	COUNTRY	CITIZENSHIP
FAWEATHER GRANGE, SCENCE LANE			
Mailing Address			
CITY	STATE	BD16 3 BL Zip	GREAT BRITAIN Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	COUNTRY	CITIZENSHIP
Mailing Address			
CITY	STATE	Zip	COUNTRY
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	COUNTRY	CITIZENSHIP
Mailing Address			
CITY	STATE	Zip	COUNTRY

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: FERGUS FRANCIS MURRAY and ANDREW SKINN

Application No./Patent No.: PCT/GB04/04371 Filed/Issue Date: 10/14/2004

Entitled: LABORATORY APPARATUS WITH TWO CABINETS

RUSKINN TECHNOLOGY LIMITED, a Limited Company  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: FERGUS FRANCIS MURRAY & ANDREW SKINN To: BIOTRACE INTERNATIONAL PLC

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: BIOTRACE INTERNATIONAL PLC To: RUSKINN TECHNOLOGY LIMITED

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

<b>Application Number</b>	10/575,589
<b>Filing Date</b>	10/14/2004
<b>First Named Inventor</b>	Fergus Francis Murray
<b>Title</b>	LABORATORY APPARATUS W/TWO CABINETS
<b>Art Unit</b>	Unassigned
<b>Examiner Name</b>	Unassigned
<b>Attorney Docket Number</b>	URQUH-73865

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:



Practitioners associated with the Customer Number:

24201

OR



Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:



The address associated with the above-mentioned Customer Number.

OR



The address associated with Customer Number:

OR

Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:



Applicant/Inventor.



Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

## **SIGNATURE of Applicant or Assignee of Record**

<b>Signature</b>		<b>Date</b>	
<b>Name</b>		<b>Telephone</b>	
<b>Title and Company</b>			

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## ASSIGNMENT

This Assignment, effective as of October 15, 2003, 2006 made by Fergis Francis Murray of Shipley, Great Britain; and Andrew Skinn of High Eldwick, Great Britain; Assignors, to BIOTRACE INTERNATIONAL PLC, a United Kingdom company, Assignee, having a place of business at Mid Glamorgan Science Park, Bridgend, CF31 3NA, UNITED KINGDOM.

WHEREAS, Assignors have invented a new and useful LABORATORY APPARATUS WITH TWO CABINETS, for which an International Application under the Patent Cooperation Treaty was filed on 14 October 2004, as Application No. PCT/GB2004/004371, which entered the U. S. National Phase as Application No. 10/575,589, and

WHEREAS, Assignors believe themselves to be the original, first and joint inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, Assignee desires to acquire by formal, recordable assignment the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors hereby sell, assign and transfer to Assignee, the entire right, title and interest in and to said invention, said application, and any Letters Patent that may be granted for said invention in the United States and throughout the world;

Further, Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representative(s) and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrants that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

IN WITNESS WHEREOF, Assignors have executed this Assignment on the date written herein below.

Assignors:

Date: \_\_\_\_\_

\_\_\_\_\_  
Fergus Francis Murray



Date: \_\_\_\_\_

\_\_\_\_\_  
Andrew Skinn



125159.1